

SUPPLEMENTAL APPROPRIATION TO PAY CLAIMS AND  
JUDGMENTS AGAINST THE UNITED STATES

---

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

PROPOSED SUPPLEMENTAL APPROPRIATION TO PAY CLAIMS AND  
JUDGMENTS RENDERED AGAINST THE UNITED STATES AS  
PROVIDED BY VARIOUS LAWS

---

OCTOBER 11, 1966.—Referred to the Committee on Appropriations and ordered  
to be printed

---

THE WHITE HOUSE,  
*Washington, October 11, 1966.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of the Congress a proposed supplemental appropriation to pay claims and judgments rendered against the United States, as provided by various laws, in the amount of \$12,197,929, together with such amounts as may be necessary to pay indefinite interest and costs.

The details of this proposed appropriation, the necessity therefor, and the reasons for its submission at this time are set forth in the attached letter from the Director of the Bureau of the Budget, with whose comments and observations thereon I concur.

Respectfully yours,

LYNDON B. JOHNSON.

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., October 8, 1966.

THE PRESIDENT,  
*The White House.*

SIR: I have the honor to submit herewith for your consideration a proposed supplemental appropriation to pay claims and judgments rendered against the United States, as provided by various laws, in the amount of \$12,197,929, together with such amounts as may be necessary to pay indefinite interest and costs as follows:

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 522, Eighty-ninth Congress, \$12,197,929, together with such amounts as may be necessary to pay interest (as and when specified in said judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

The details of this proposed supplemental appropriation are covered in the letters from the various departments and agencies set forth in the attachment to this letter.

In accordance with the provision of law providing for this submission, I recommend that this proposed supplemental appropriation be transmitted to the Congress.

Respectfully yours,

CHARLES L. SCHULTZE,  
*Director of the Bureau of the Budget.*

# SUMMARY OF AMOUNTS INCLUDED IN THE PROPOSED SUPPLEMENTAL APPROPRIATION TO PAY CERTAIN CLAIMS AND JUDGMENTS

## DAMAGE CLAIMS

Department of Defense:	
Department of the Army-----	\$221, 484. 24
Department of the Navy-----	2, 123. 50
Department of the Air Force-----	112, 669. 67
Department of Health, Education, and Welfare-----	2, 392. 86
Atomic Energy Commission-----	55, 463. 94
Total, damage claims-----	<u>394, 134. 21</u>

## OTHER CLAIMS

Indian Claims Commission-----	<u>5, 491, 943. 00</u>
-------------------------------	------------------------

## JUDGMENTS

U.S. Court of Claims:	
Department of Defense:	
Departments of the Navy and Air Force-----	250, 000. 00
Department of the Air Force-----	125, 000. 00
National Aeronautics and Space Administration and Department of Defense (Departments of the Army, Navy, and Air Force)-----	2, 000, 000. 00
U.S. district courts:	
Department of Commerce: Maritime Administration-----	658, 189. 52
Department of Defense:	
Department of the Army-----	187, 873. 61
Department of the Navy-----	497, 579. 81
Department of the Air Force-----	2, 593, 208. 41
Total, judgments-----	<u>6, 311, 851. 35</u>
Grand total-----	<u>12, 197, 928. 56</u>





## DAMAGE CLAIMS

HEADQUARTERS,  
DEPARTMENT OF THE ARMY,  
OFFICE OF THE ASSISTANT SECRETARY,  
*Washington, D.C., April 5, 1966.*

HON. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,  
Washington, D.C.*

DEAR MR. SCHULTZE: The Department of the Army has considered, ascertained, adjusted, and determined, in an amount in excess of \$5,000, the claim hereinafter described which concerns damage to property and personal injuries resulting from activities of Utah Army National Guard personnel incident to active duty training. The settlement of the claim is in accordance with title 32, United States Code, section 715. The act provides in part for settlement of claims for damages to or loss of property, personal injury, or death, caused by a member of the Army National Guard acting within the scope of his employment while engaged in training or duty under sections 316, 502, 503, 504 or 505 of title 32, United States Code.

A brief statement of the amount claimed, the nature of the claim and the amount reported, follows:

Mr. Dameron A. Youngberg has filed a claim for \$150,766 for property damages and personal injuries incurred by him. His collision insurance carrier, Sea Insurance Co., Ltd., has filed a claim for \$735.22, the amount it paid to him under his insurance policy for property damages. Blue Cross-Blue Shield has filed a claim for \$2,755.10, the amount of his medical expenses which it paid. Paragraph 11b(2), Army Regulation 25-20, provides that such claims, in the total amount of \$154,256.32 shall constitute the basis of a single claim.

The incident giving rise to the claim occurred on June 9, 1963, in Salt Lake City, Utah, when the driver of a Utah Army National Guard vehicle applied its brakes and, due to the fact a leaking wheel cylinder had permitted brake fluid to saturate a brake lining, the vehicle swerved across a road and collided with Mr. Youngberg's vehicle causing damages to it and personal injuries to him.

It has been determined that \$61,070.75 is due Mr. Dameron A. Youngberg, \$735.22 is due Sea Insurance Co., Ltd., and \$2,755.10 is due Blue Cross-Blue Shield. The claimants have agreed to accept these amounts in full satisfaction and final settlement of their claims. A partial payment of \$5,000, as authorized by the act, has been made to Mr. Dameron A. Youngberg, and the balance of \$56,070.75 due him, the \$735.22 due Sea Insurance Co., Ltd., and the \$2,755.10 due to Blue Cross-Blue Shield have been determined to be reportable to the Congress for its consideration. It is recommended that those amounts be submitted to the Congress for an appropriation for payment.

Amounts claimed, \$150,766, \$735.22, \$2,755.10; amount paid, \$5,000; amounts reported, \$56,070.75, \$735.22, \$2,755.10.

Sincerely yours,

J. H. FITCH,  
*Deputy Assistant Secretary of the Army  
(Financial Management).*

HEADQUARTERS,  
DEPARTMENT OF THE ARMY,  
OFFICE OF THE ASSISTANT SECRETARY,  
*Washington, D.C., April 18, 1966.*

Hon. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,*  
*Washington, D.C.*

DEAR MR. SCHULTZE: The Department of the Army has considered, and found meritorious in an amount exceeding \$15,000, the claim of Mr. Otto Sussmann by his attorney, Mr. Gustav Boehm. This action was taken pursuant to the provisions of title 10, United States Code, section 2734, as amended, which authorizes the settlement of claims for property loss or damage, or personal injury or death, suffered in a foreign country by an inhabitant thereof, when caused by civilian employees or military personnel, or otherwise incident to noncombat activities, of one of the military services.

A brief statement of the character of the claim, the amount claimed, and the amount allowed, follows:

The claim of Mr. Otto Sussmann, a German national, is in the amount of DM 114,887.67 (\$28,721.92) for personal injuries, loss of earnings and other damages suffered as the result of an assault which occurred during the evening of June 14, 1962, at Rueckingen, Germany. Claimant, age 59, came out of his gasthaus to assist his brother who was having difficulty with an intoxicated U.S. Army soldier who was on top of the brother's personally owned vehicle. The soldier attacked claimant who sustained lacerations and contusions and was knocked unconscious. Later the same night claimant suffered a myocardial infarction and 2 weeks later, while still hospitalized, a cerebral hemorrhage. Both of these occurrences are medically considered as trauma attributable to the assault. As a result claimant had to give up his business, suffered a lengthy period of convalescence and is now 72 percent permanently disabled precluding future employment.

The claim was presented within the time prescribed by the statute. It is deemed meritorious, and the amount of DM 99,235.72 (\$24,808.93) has been found to be just and reasonable. Mr. Sussmann has agreed to accept this sum in full satisfaction and final settlement of his claim.

In accordance with the provisions of the cited statute, the claim is certified to Congress as a legal claim in the amount found just and reasonable thereon for payment out of appropriations that may be made by Congress therefor. It is recommended that necessary funds be appropriated to effect payment of the amount of DM 99,235.72.

Amount claimed, DM 114,887.67 (\$28,721.92); amount reported, DM 99,235.72 (\$24,808.93).

Sincerely yours,

J. H. FITCH,  
*Deputy Assistant Secretary of the Army*  
*(Financial Management).*

---

DEPARTMENT OF THE ARMY,  
OFFICE OF THE ASSISTANT SECRETARY,  
*Washington, D.C., May 10, 1966.*

Hon. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,*  
*Washington, D.C.*

DEAR MR. SCHULTZE: The Department of the Army has considered, and found meritorious in an amount exceeding \$15,000, the claim of Iran National Airlines Corp. This action was taken pursuant to the provisions of title 10, United States Code, section 2734, as

amended, which authorizes the settlement of claims for property loss or damage or personal injury or death, suffered in a foreign country by an inhabitant thereof, when caused by civilian employees or military personnel, or otherwise incident to noncombat activities, of one of the military services.

A brief statement of the character of the claim, the amount claimed, and the amount allowed, follows:

The claim of Iran National Airlines Corp., a foreign corporation owned by the Government of Iran, is in the amount of Rials 3,727,791 (approximately \$48,729.29) for damages to one of its DC-6B aircraft sustained as a result of a collision which occurred on December 2, 1963, on a parking ramp at Mehrabad Airport, Tehran, Iran. A C-130B aircraft owned and operated by the United States Air Force was parked nearby by its crew a few minutes before the collision. The crew in securing the aircraft set the brakes but negligently failed to place chocks around the wheels. Approximately 5 minutes after the crew left the C-130B aircraft, it rolled down a slight incline and collided with the tail section of claimant's aircraft. The latter suffered extensive damage in the collision. Claimant purchased a tail section and repaired its aircraft at considerable expense. The repair was completed and the aircraft found airworthy on February 20, 1964. Claimant sustained loss of revenue during the period the plane was grounded as a result of the damage.

The claim was presented within the time prescribed by the statute. It is deemed meritorious, in the amount of Rials 3,421,291 (approximately \$44,722.76) and has been found to be just and reasonable. Iran National Airlines Corporation has agreed to accept this sum in full satisfaction and final settlement of its claim.

In accordance with the provisions of the cited statute, the claim is certified to Congress as a legal claim in the amount found just and reasonable thereon for payment out of appropriations that may be made by Congress therefor. It is recommended that necessary funds be appropriated to effect payment of the amount of Rials 3,421,291 (approximately \$44,722.76).

Amount claimed, Rials 3,727,791 (approximately \$48,729.29); amount reported, Rials 3,421,291 (approximately \$44,722.76).

Sincerely yours,

J. H. FITCH,  
*Deputy Assistant Secretary of the Army*  
*(Financial Management).*

HEADQUARTERS,  
DEPARTMENT OF THE ARMY,  
OFFICE OF THE ASSISTANT SECRETARY,  
*Washington, D.C., June 22, 1966.*

HON. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,*  
*Washington, D.C.*

DEAR MR. SCHULTZE: The Department of the Army has considered, ascertained, adjusted, and determined in an amount in excess of \$5,000 the claim hereinafter described which concerns damage to property resulting from maneuver activities of the United States Army. The settlement of the claim is in accordance with title 10, United States Code, section 2733, as amended. The act provides for the settlement of claims for damage to or loss of property, personal injury, or death caused by civilian employees or members of a military department acting within the scope of their employment or otherwise incident to noncombat activities of that department.

A brief statement of the amount claimed, nature of the claim, and amount reported, follows:

The claim of G. P. Monroe in the amount of \$40,707.30 is for property damage to the claimant's poultry farm resulting from maneuver activities of the United States Army in South Carolina.

The incidents out of which the claim arose occurred during the period from the middle to the end of June 1964 and from the middle of September to November 12, 1964, in the course of Maneuver Exercise Project Team. It has been determined that the claim is meritorious in the amount of \$19,478.28.

A partial payment in the amount of \$5,000 has been made to the claimant. The balance of \$14,478.28 due the claimant has been determined reportable to the Congress for its consideration. It is recommended that this amount be submitted to the Congress for an appropriation for payment.

Amount claimed, \$40,707.30; amount paid, \$5,000; amount reported, \$14,478.28.

Sincerely yours,

J. H. FITCH,  
*Deputy Assistant Secretary of the Army*  
(Financial Management).

HEADQUARTERS,  
DEPARTMENT OF THE ARMY,  
OFFICE OF THE ASSISTANT SECRETARY,  
Washington, D.C., July 13, 1966.

HON. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,*  
*Washington, D.C.*

DEAR MR. SCHULTZE: The Department of the Army has considered and found meritorious in an amount exceeding \$5,000, the claim of Mrs. Barbara L. Williams. This action is taken pursuant to the provisions of title 10, United States Code, section 2733, as amended, which authorizes the settlement of claims for property loss or damage, or personal injury or death, suffered in a foreign country by a civilian dependent of an employee of a Department of the Air Force contractor, when caused by civilian employees or military personnel or otherwise incident to noncombat activities of one of the military services.

A brief statement of the character of the claim, the amount claimed and the amount allowed follows:

The claim of Mrs. Barbara L. Williams, dependent wife of an employee of a Department of the Air Force contractor, is in the amount of \$40,100 for personal injury and other damages suffered as the result of a vehicle accident which occurred on March 9, 1961, in Germany. Claimant was a passenger in a vehicle owned and operated by her husband, traveling east on the Mannheim-Kaiserslautern Autobahn. A U.S. Army vehicle, properly dispatched on an authorized mission, was proceeding in the same direction. The driver of the military vehicle attempted to negotiate a U-turn in violation of a lawful regulation. At the time, claimant's husband was in process of passing the military vehicle and had blinked his lights to signify his intent. Despite this, the military vehicle proceeded from the right-hand lane to the left-hand lane toward the autobahn crossover. The vehicle in which claimant was a passenger was unable to avoid the turning military vehicle and collided with the left side of the latter. The military driver was cited for attempting to make an illegal turn. The vehicle driven by claimant's husband was demolished. Claimant sustained simple fractures of the left upper arm and collarbone, a compound fracture of the left upper jawbone and lacerations of the left side of the face. She was hospitalized from March 9 until March 30, 1961, and underwent an operation to repair the laceration of the left side of her face and the fractured jaw. Casts were applied to claimant's left arm and shoulder during this period. She received outpatient treatment until July, 14, 1961. On December 5, 1963, claimant underwent surgery for cosmetic repair of the



scar resulting from the laceration on the left side of her face. As residuals of the incident, she has a scar one-inch long extending from the left upper lip, a permanent 45-degree limitation on full extension of the left elbow, and occasional pain and discomfort due to nonunion of the clavicle. Surgery is possible to correct the latter disability. Claimant definitely plans on further plastic surgery on the facial disfigurement.

The claim was presented within the time prescribed by the statute. It is deemed meritorious and the amount of \$16,261.15 has been found to be just and reasonable. Of this amount, \$5,000 has been paid administratively under the provisions of the cited statute. Mr. and Mrs. Williams have agreed to accept this sum in full satisfaction and final settlement of the claim.

In accordance with the provisions of the cited statute, the claim is certified to Congress as a legal claim in the amount found just and reasonable for payment out of appropriations that may be made by Congress therefor. It is recommended that necessary funds be appropriated to effect payment of the amount of \$11,261.15.

Amount claimed, \$40,100; amount paid administratively, \$5,000; amount reported, \$11,261.15.

Sincerely yours,

J. H. FITCH,  
*Deputy Assistant Secretary of the Army*  
(Financial Management).

---

HEADQUARTERS,  
DEPARTMENT OF THE ARMY,  
OFFICE OF THE ASSISTANT SECRETARY,  
Washington, D.C., September 21, 1966.

HON. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,*  
Washington, D. C.

DEAR MR. SCHULTZE: The Department of the Army has considered, and found meritorious in an amount exceeding \$15,000, the claims of the heirs of Abbas Ghobadian Kalhor and Fatemeh Ghobadian Kalhor, his wife. This action was taken pursuant to the provisions of the act of January 2, 1942 (55 Stat. 880), as amended (31 U.S.C. 224d, 1952 ed.), now codified in title 10, United States Code, section 2734, as amended, which authorizes the settlement of claims for property loss or damage, or permanent injury or death, suffered in a foreign country by an inhabitant thereof, when caused by civilian employees or military personnel, or otherwise incident to noncombat activities, of one of the military services.

A brief statement of the character of the claims, the amounts claimed, and the amounts allowed, follows:

The claims of the heirs of Abbas Ghobadian Kalhor and Fatemeh Ghobadian Kalhor, his wife, are in the total amount of 763,726 new French francs (approximately \$155,862.45) for damages suffered as the result of a traffic incident which occurred on June 27, 1955, in Paris, France. Abbas Ghobadian Kalhor and Fatemeh Ghobadian Kalhor, his wife, were passengers in an automobile, owned and operated by a French national, which was proceeding on the Rue de Suresnes, Bois de Boulogne, in the direction from Paris to Suresnes. A U.S. Army vehicle which had been misappropriated by United States military personnel was proceeding in the opposite direction. The soldier operating the military vehicle was steering to the right after passing another vehicle, while negotiating a curve, when he encountered the French vehicle. The left front part of the United States vehicle struck the front of the other vehicle, which overturned. Mr. and Mrs. Ghobadian Kalhor were fatally injured.

The claims were presented within the time prescribed by the statute. They are deemed meritorious, and the amount of 260,000 new French francs (approx-



mately \$53,061.22) has been found to be just and reasonable. This sum has been apportioned to the claimants in the following manner:

a. To Gholam Hossein Ghobadian Kalhor, Abdel Reza Ghobadian Kalhor, and Esfandiar Ghobadian Kalhor, sons, and Mrs. Tadj-El-Moluk Ghobadian, daughter, of Abbas Ghobadian Kalhor, the amount of 7,500 new French francs, each.

b. To Noorolah Bakhtiari, as legal guardian of Rochanak Ghobadian Kalhor, Mitra Ghobadian Kalhor, Ghobad Ghobadian Kalhor, and Katayon Ghobadian Kalhor, minor children of Abbas Ghobadian Kalhor and Fatemeh Ghobadian Kalhor, his wife, the sum of 160,000 new French francs, which is further apportioned to the minor children in the amount of 40,000 new French francs, each.

c. To Mrs. Zinat Ghobadian Guilani and Mrs. Maryam Ghobadian Guilani, widows of Abbas Ghobadian Kalhor, the amount of 30,000 new French francs, each.

d. To Mrs. Koukab Ghobadian, otherwise Mrs. Koukab Bakhtiari Ardestani Nejad, mother of Mrs. Fatemeh Ghobadian Kalhor, the amount of 10,000 new French francs.

The claimants listed hereafter have agreed to accept the amounts apportioned to them of the sum found to be just and reasonable in full satisfaction and final settlement of their claims:

a. Abdel Reza Ghobadian Kalhor and Esfandiar Ghobadian Kalhor, sons of Abbas Ghobadian Kalhor.

b. Noorolah Bakhtiari, legal guardian of Rochanak Ghobadian Kalhor, Mitra Ghobadian Kalhor, Ghobad Ghobadian Kalhor, and Katayon Ghobadian Kalhor, minor children of Abbas Ghobadian Kalhor and Fatemeh Ghobadian Kalhor, his wife.

c. Mrs. Maryam Ghobadian Guilani, widow of Abbas Ghobadian Kalhor.

d. Mrs. Koukab Bakhtiari, mother of Mrs. Fatemeh Ghobadian Kalhor.

The total of the amounts apportioned to the foregoing claimants is 215,000 new French francs (approximately \$43,877.55).

The following claimants have not agreed to accept the amounts apportioned to them in full satisfaction and final settlement of their claims:

a. Gholam Hossein Ghobadian Kalhor, son, and Mrs. Tadj-El-Moluk Ghobadian, daughter, of Abbas Ghobadian Kalhor.

b. Mrs. Zinat Ghobadian Guilani, widow of Abbas Ghobadian Kalhor.

The total of the amounts apportioned to these claimants is 45,000 new French francs (approximately \$9,183.67).

In accordance with the provisions of the cited statute, the claims are certified to Congress as legal claims in the amount found just and reasonable thereon for payment out of appropriations that may be made by Congress therefor. It is recommended that necessary funds be appropriated to effect payment of the amount of 215,000 new French francs to those claimants who have agreed to accept the amounts apportioned to them, as set forth above.

Amount claimed, 763,726 new French francs (approximately \$155,862.45); amount found just and reasonable, 260,000 new French francs (approximately \$53,061.22), of which amount the sum of 45,000 new French francs (approximately \$9,183.67) has not been accepted by the claimants to whom it was apportioned; amount reported, 215,000 new French francs (approximately \$43,877.55).

Sincerely yours,

J. H. FITCH,  
*Deputy Assistant Secretary of the Army*  
(Financial Management).

DEPARTMENT OF THE ARMY,  
OFFICE OF THE ASSISTANT SECRETARY,  
Washington, D.C., September 21, 1966.

Hon. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,*  
Washington, D.C.

DEAR MR. SCHULTZE: The Department of the Army has considered, ascertained, adjusted, and determined, in an amount in excess of \$5,000, the claim hereinafter described which concerns personal injuries and a death resulting from activities of Puerto Rico Army

National Guard personnel engaged in training or duty pursuant to the provisions of title 37, United States Code, section 301. The settlement of the claim is in accordance with title 32, United States Code, section 715, which provides in part for settlement of claims for personal injury or death caused by a member of the Army National Guard when engaged in duty or training for which he is entitled to pay under section 206 of title 37, United States Code. When engaged in training or duty under section 301 of title 37, United States Code, Army National Guard personnel are entitled to pay under section 206 of title 37, United States Code.

A brief statement of the amount claimed, the nature of the claim and the amount reported follows:

Mrs. Ruth W. Leager, as administratrix of the estate of James O. Leager, Sr., filed a claim for \$4,300.50 for medical expenses, pain and suffering, and funeral expenses occasioned by the injury to and death of James O. Leager, Sr. In her capacity as James O. Leager's widow she filed a claim for \$201,425 predicated upon his wrongful death. Paragraph 4b, Army Regulation 27-24 provides that death gives rise to only one claim. Accordingly, the above-mentioned claims must be considered as a single claim.

The incident giving rise to the claim occurred on August 10, 1964, near Georgetown, Del., when the driver of a Puerto Rico Army National Guard vehicle failed to maintain a high degree of care required by Delaware law of drivers attempting to cross through highways and entered an intersection before it was reasonably safe to do so. A vehicle in which Mr. James O. Leager, Sr., was a passenger collided with the Army National Guard vehicle. Mr. Leager, who was injured in the accident, died shortly thereafter. The driver of the Puerto Rico Army National Guard vehicle pleaded guilty to a charge of manslaughter and was fined.

It has been determined that \$23,474 is due Mrs. Ruth W. Leager, as widow of James O. Leager, Sr., and that \$4,300.50 is due Mrs. Ruth W. Leager, as administratrix of James O. Leager, Sr. These amounts have been accepted in full satisfaction and final settlement of the claims. A partial payment of \$5,000, as authorized by the act, has been made as follows: \$4,300.50 to Ruth W. Leager, as administratrix of the estate of James O. Leager, Sr., and \$699.50 to Ruth W. Leager, as widow of James O. Leager, Sr. The balance of \$22,774.50 due to Mrs. Leager, as widow of James O. Leager, Sr., has been determined to be reportable to the Congress for an appropriation for payment.

Amounts claimed, \$4,300.50, \$201,425.00; amount paid, \$5,000; amount reported, \$22,774.50.

Sincerely yours,

J. H. FITCH,  
*Deputy Assistant Secretary of the Army*  
*(Financial Management).*

DEPARTMENT OF THE NAVY,  
OFFICE OF THE SECRETARY,  
Washington, D.C., September 26, 1966.

HON. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,*  
*Washington, D.C.*

MY DEAR MR. SCHULTZE: In accordance with title 10, United States Code, section 2733, which provides for the settlement of claims for damage to or loss or destruction of property, or personal injury or death, caused by military personnel or civilian employees acting within the scope of their employment or otherwise incident to the noncombat activities of the Department of the Navy, this Department has considered, ascertained, adjusted, and determined in an amount in excess of \$5,000, the claim set forth below for damages as hereinafter specified.

The claim arose in 1966 and was presented in writing within the statutory period provided for in the act. The amount found due the claimant, which it has agreed to accept in full satisfaction and final settlement of its claim, is hereby certified as having been determined to be of the character contemplated by the provisions of the act for report to the Congress for its consideration and it is recommended that it be submitted to the Congress for an appropriation for the payment thereof. A brief statement of the character of the claim, the amount claimed and the amount reported follows:

Southern California Edison Co., 100 Long Beach Boulevard, Long Beach, Calif. 90802. On March 10, 1966, a U.S. Navy aircraft, bureau number 150899, while being operated by a qualified aviator on a duly authorized flight, struck a high tension transmission power line, the property of the claimant, causing damage to its electrical facilities. The property damage is considered incident to the non-combat activities of the Navy. The claimant submitted a proper and timely claim in the amount of \$7,123.50 in full satisfaction and final settlement. This amount is considered proper and payment in the amount of \$5,000 has already been effected administratively to the claimant by the Department of the Navy.

Amount claimed, \$7,123.50; amount reported, \$2,123.50.

Sincerely yours,

ROBERT H. B. BALDWIN,  
*Under Secretary of the Navy.*

---

DEPARTMENT OF THE AIR FORCE,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., April 8, 1966.*

Hon. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,*  
*Washington, D.C.*

DEAR MR. DIRECTOR: In accordance with the provisions of section 2734 of title 10, United States Code, this Department has considered, ascertained, adjusted, and determined in an amount in excess of \$5,000, a claim for property damage as hereinafter specified.

The incident which gave rise to the claim occurred on October 27, 1962. The claimant died subsequent to presenting the claim. His interest is presently represented by his executors, Reliance Trustee and Executor Co., Ltd., Post Office Box 783, Hamilton, Bermuda. The claim was determined to be just and reasonable in the amount of 20,971 pounds, 19 shillings (\$59,140.90). Claimants' executors have agreed in writing to accept this amount in full satisfaction and final settlement of the claim. Accordingly, the amount found due the executors of the estate of Alec Maskell Mitchell, deceased, is hereby certified under the provisions of section 2734 of title 10, United States Code, for report to the Congress as a legal claim for payment from appropriations made by Congress therefor.

A brief statement of the character of the claim, the amount claimed, the amount allowed, and the amount reported, follows:

On October 27, 1962, at 1037 hours, a USAF RB-47H aircraft, No. 53-6248 took off from Kindley AFB, Bermuda, on a routine noncombat flight. Shortly after take-off, the aircraft crashed and burned on the estate of the claimants, located at Ferry Reach, St. George's, Bermuda, destroying a boathouse, and damaging a miniature railroad, tennis court, fence, shrubbery, and other property. All four crew members were killed.

Total amount claimed, \$437,354.00 (156,198 pounds sterling); amount awarded, \$59,140.90 (20,971 pounds, 19 shillings); amount reported, \$59,140.90 (20,971 pounds, 19 shillings).

Sincerely,

ROBERT D. BENSON,  
*Deputy Assistant Secretary of the Air Force.*

---

DEPARTMENT OF THE AIR FORCE,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., August 11, 1966.*

HON. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,  
Washington, D.C.*

DEAR MR. DIRECTOR: In accordance with the provisions of section 715 of title 32, United States Code, this Department has considered, ascertained, adjusted, and determined in an amount in excess of \$5,000, a claim for personal injury and property damage as herein-after specified.

The incident which gave rise to the claim occurred on August 8, 1965. The claimants are Robert H. and Alma L. Crowder, in care of Leonard R. Yocum, Law Offices, Nations and Yocum, Suite 507, 130 South Bemiston, Clayton, Mo. 63105. The claim was determined to be meritorious in the amount of \$57,711.05. Claimants have agreed in writing to accept the amount due them in full satisfaction and final settlement of their claim.

Under the authority of subparagraph (d) of section 715 of title 32, United States Code, Robert H. and Alma L. Crowder were paid the sum of \$5,000 by administrative means.

Accordingly, the balance of the amount found due Robert H. and Alma L. Crowder in the total amount of \$52,711.05 is hereby certified under the provisions of section 715 of title 32, United States Code, for report to the Congress for its consideration and appropriation of funds for the payment thereof.

A brief statement of the character of the claim, the amount claimed, the amount of the award and the amount reported follows:

On August 8, 1965 an F-100C aircraft owned by the Missouri Air National Guard crashed into the claimants' home at Bridgeton, Mo. The crash destroyed their home and most of the property in the home. Alma L. Crowder suffered personal injuries which required hospitalization. The amount reported here represents the total substantiated damage to the claimants that resulted from the crash of the aircraft.

Amount claimed, \$85,188.40; amount awarded, \$57,711.05; administrative partial payment, \$5,000; amount reported, \$52,711.05.

Sincerely,

LEONARD MARKS, JR.,  
*Assistant Secretary of the Air Force.*



DEPARTMENT OF THE AIR FORCE,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., August 18, 1966.*

HON. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,*  
*Washington, D.C.*

DEAR MR. DIRECTOR: In accordance with the provisions of section 2733 of title 10, United States Code, this Department has considered, ascertained, adjusted, and determined in a total amount in excess of \$5,000, a claim for real property damage as hereinafter specified.

The incident which gave rise to the claim occurred on June 11, 1965. The claimants are Bruce and Dora Lee Woodruff, 960 Burgoyne Drive, Cincinnati, Ohio 45245. The claim was determined to be meritorious in the amount of \$5,817.72. Claimants have agreed in writing to accept the amount found due them in full satisfaction and final settlement of their claim.

Under the authority of paragraph (d) of section 2733 of title 10, United States Code, Bruce and Dora Lee Woodruff were paid the sum of \$5,000 by administrative means.

Accordingly, the balance of the award found due Bruce and Dora Lee Woodruff in the amount of \$817.72 is hereby certified as having been determined to be of the character contemplated by the provisions of section 2733 of title 10, United States Code, for report to the Congress for its consideration and appropriation of funds for the payment thereof.

A brief statement of the character of the claim, the amount claimed, the amount of the award, and the amount reported, follows:

On June 11, 1965, a NF-102A aircraft from the Aeronautical Systems Division, Wright-Patterson Air Force Base, Ohio, exploded in mid-air over the property owned by the claimants. A number of pieces of the aircraft fell on the claimants' property, which is used as a religious summer camp, causing damage to several buildings on the property. The amount reported here represents the total substantiated damage to the claimants that resulted from the crash of the aircraft.

Amount claimed, \$18,750; amount awarded, \$5,817.72; administrative partial payment, \$5,000; amount reported, \$817.72.

Sincerely,

LEONARD MARKS, Jr.,  
*Assistant Secretary of the Air Force.*

---

THE SECRETARY OF  
HEALTH, EDUCATION, AND WELFARE,  
*Washington, D.C., April 19, 1966.*

HON. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,*  
*Washington, D.C.*

DEAR MR. SCHULTZE: In accordance with the provisions of section 505 of the Public Health Service Act (42 U.S.C. 223), I have considered, ascertained, adjusted, and determined the following described claim, presented within 1 year of the date of accrual, on account of damage occasioned by a collision for which a Public Health Service vessel has been found to be responsible.

This claim has been examined by the general counsel of this department who advises me that it is a legal claim for submission under the



above act. I certify that the amount found due the claimant, as herein set forth, is a legal claim and recommend that it be submitted to the Congress for payment out of appropriations that may be made therefor. Below is a brief statement of the character of the claim, the amount claimed, and the amount allowed.

Claimant: Cosmopolitan Shipping Co., Inc., agent for A/S J. Ludwig Mowinckels Rederi, owner of M/V Horda, 42 Broadway, New York, N.Y. 10004. On June 7, 1965, the Public Health Service quarantine cutter *W. H. Welch*, was maneuvering alongside the claimant's vessel to remove the Public Health and Immigration Inspectors who had conducted inspections required by law. While making a head-on approach, a shift to reverse the engine was made. The engine failed to respond to the reverse engine shift and the bow fender of the *W. H. Welch* contacted the starboard side of the claimant's vessel. The plating of the claimant's vessel was dented. The claim made here is for the cost incurred in repairing the dented plating. No fault of any kind was attributable to the claimant's vessel. Under the circumstances, the Public Health Service vessel was responsible for the damage.

Amount claimed, \$2,392.86; amount allowed, \$2,392.86.

Sincerely yours,

WILBUR J. COHEN,  
*Acting Secretary.*

---

UNITED STATES  
ATOMIC ENERGY COMMISSION,  
*Washington, D.C., June 27, 1966.*

HON. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget.*

DEAR MR. SCHULTZE: Under section 167 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2207, the Atomic Energy Commission "is authorized to consider, ascertain, adjust, determine, settle, and pay, any claim for money damage of \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of any program undertaken by the Commission involving the detonation of an explosive device" and "if the Commission considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this section, the Commission may report the facts and circumstances thereof to the Congress for its consideration."

Following the detonation of a nuclear device on October 22, 1964, in the Tatum Salt Dome in Mississippi (Salmon Event of Project Dribble), Mr. Thad L. and Mrs. Martha R. Fowler, 3601 Hardy Street, Hattiesburg, Miss., submitted a claim for property damage in the amount of \$18,427. Pursuant to the authority of section 167, the Commission considered the claim and has determined that it is meritorious in the amount of \$6,611.22 and would otherwise be covered by the section. The claimants have agreed in writing to accept this amount in full satisfaction and final settlement of their claim.

Accordingly, the amount of \$6,611.22 is hereby certified as having been determined to be of the character contemplated by section 167 of the Atomic Energy Act of 1954, as amended, for report to Congress for its consideration and appropriation of funds for the payment thereof.

A brief statement of the character of the claim and the amount reported follows:

On October 22, 1964, the Commission detonated a nuclear device in the Tatum Salt Dome, Miss. As a result, damage was caused to the residence of Mr. Thad L. and Mrs. Martha R. Fowler, located in Hattiesburg, Miss., a distance of 18.6 miles from the point of detonation. Damage consisted mainly of cracking and/or displacement of patio stone, patio stone mortar joints, brick privacy wall, concrete steps, exterior wood cornice, and interior gypsum board.

Amount claimed, \$18,427; amount reported, \$6,611.22.

Sincerely yours,

R. E. HOLLINGSWORTH,  
*General Manager.*

---

UNITED STATES  
ATOMIC ENERGY COMMISSION,  
*Washington, D.C., September 1, 1966.*

HON. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget.*

DEAR MR. SCHULTZE: Under section 167 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2207, the Atomic Energy Commission "is authorized to consider, ascertain, adjust, determine, settle, and pay, any claim for money damage of \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of any program undertaken by the Commission involving the detonation of an explosive device" and "if the Commission considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this section, the Commission may report the facts and circumstances thereof to the Congress for its consideration."

Following the detonation of a nuclear device on October 22, 1964, in the Tatum Salt Dome in Mississippi (Salmon Event of Project Dribble), the Hattiesburg Municipal Separate School District, Hattiesburg, Miss., submitted a claim for property damage to the F. B. Woodley Elementary School in the amount of \$150,000. Pursuant to the authority of section 167, the Commission considered the claim and has determined that it is meritorious in the amount of \$13,743 and would otherwise be covered by the section. The claimant has agreed in writing to accept this amount in full satisfaction and final settlement of its claim.

Accordingly, the amount of \$13,743 is hereby certified as having been determined to be of the character contemplated by section 167 of the Atomic Energy Act of 1954, as amended, for report to Congress for its consideration and appropriation of funds for the payment thereof.

A brief statement of the character of the claim and the amount reported follows:

On October 22, 1964, the Commission detonated a nuclear device in the Tatum Salt Dome, Miss. As a result, damage was caused to the F. B. Woodley Elementary School of the Hattiesburg Municipal Separate School District, located in Hattiesburg, Miss., a distance of 19.2 miles from the point of detonation. Damage consisted mainly of mortar joint cracking, minor cracks in masonry,

defects to ceiling plaster and paint due to entry of moisture, cracked wall finishes, and extensive aggravation of existing cracks and separations in masonry work.

Amount claimed, \$150,000; amount reported, \$13,743.

Sincerely yours,

R. E. HOLLINGSWORTH,  
*General Manager.*

---

UNITED STATES  
ATOMIC ENERGY COMMISSION,  
*Washington, D.C., September 1, 1966.*

Hon. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget.*

DEAR MR. SCHULTZE: Under section 167 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2207, the Atomic Energy Commission "is authorized to consider, ascertain, adjust, determine, settle, and pay, any claim for money damage of \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of any program undertaken by the Commission involving the detonation of an explosive device" and "if the Commission considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this section, the Commission may report the facts and circumstances thereof to the Congress for its consideration."

Following the detonation of a nuclear device on October 22, 1964, in the Tatum Salt Dome in Mississippi (Salmon Event of Project Dribble), the Hattiesburg Municipal Separate School District, Hattiesburg, Miss., submitted a claim for property damage to the Rowan High School in the amount of \$150,000. Pursuant to the authority of section 167, the Commission considered the claim and has determined that it is meritorious in the amount of \$12,609.72 and would otherwise be covered by the section. The claimant has agreed in writing to accept this amount in full satisfaction and final settlement of its claim.

Accordingly, the amount of \$12,609.72 is hereby certified as having been determined to be of the character contemplated by section 167 of the Atomic Energy Act of 1954, as amended, for report to Congress for its consideration and appropriation of funds for the payment thereof.

A brief statement of the character of the claim and the amount reported follows:

On October 22, 1964, the Commission detonated a nuclear device in the Tatum Salt Dome, Miss. As a result, damage was caused to the Rowan High School of the Hattiesburg Municipal Separate School District, located in Hattiesburg, Miss., a distance of 20 miles from the point of detonation. Damage consisted mainly of hairline cracks in exterior masonry walls, numerous small cracks in the interior concrete block walls and partitions, and extensive aggravation of existing cracks and separations in masonry work and plastered areas.

Amount claimed, \$150,000; amount reported, \$12,609.72.

Sincerely yours,

R. E. HOLLINGSWORTH,  
*General Manager.*

UNITED STATES  
ATOMIC ENERGY COMMISSION,  
*Washington, D.C., September 7, 1966.*

HON. CHARLES SCHULTZE,  
*Director, Bureau of the Budget.*

DEAR MR. SCHULTZE: Under section 167 of the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2207), the Atomic Energy Commission "is authorized to consider, ascertain, adjust, determine, settle, and pay, any claim for money damage of \$5,000 or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from any detonation, explosion, or radiation produced in the conduct of any program undertaken by the Commission involving the detonation of an explosive device," and "[i]f the Commission considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this section, the Commission may report the facts and circumstances thereof to the Congress for its consideration."

The Atomic Energy Commission detonated a nuclear device in the Tatum Salt Dome in Mississippi, on October 22, 1964 (Salmon Event, Project Dribble). On July 29, 1965, the Methodist Hospital, Hattiesburg, Miss., filed a Federal Tort Claims Act suit in the Federal District Court for the Southern District of Mississippi alleging damages to its property as a result of the detonation, and demanding relief in the amount of \$50,000. A claim in the same amount was submitted for administrative determination under section 167 of the Atomic Energy Act, on August 25, 1965.

We have considered the claim and have determined that it is meritorious in the amount of \$22,500, and would otherwise be covered by the section. The claimant has agreed to accept this amount in full satisfaction and final settlement of its claim. Payment is to be conditioned upon dismissal with prejudice of the pending Federal Tort Claims Act suit. The Department of Justice concurs in the Commission's proposal to settle under these terms.

This claim in the amount of \$22,500 is hereby certified as having been determined to be of the character contemplated by section 167 of the Atomic Energy Act of 1954, as amended, for report to Congress for its consideration and appropriation of funds for the payment thereof.

A brief statement of the nature of the claim and the amount reported follows:

On October 22, 1964 the Atomic Energy Commission detonated a nuclear device in the Tatum Salt Dome, Miss. As a result, Methodist Hospital, Hattiesburg, Miss., approximately 20.8 miles from the detonation site, sustained damage to its buildings and additions. Damage consisted mainly of generation and aggravation of cracks in interior and exterior masonry, spalling of interior and exterior decoration, and cracking of window glass.

Amount claimed, \$50,000; amount reported, \$22,500.

Sincerely yours,

R. E. HOLLINGSWORTH,  
*General Manager.*



## OTHER CLAIMS

TREASURY DEPARTMENT,  
Washington, D.C., October 6, 1966.

Hon. CHARLES L. SCHULTZE,  
Director, Bureau of the Budget,  
Washington, D.C.

DEAR MR. SCHULTZE: Awards have been rendered by the Indian Claims Commission aggregating \$5,491,943 as illustrated in the following schedule A-1, and the awards have been presented to this Department for payment. It is requested that this amount be established in an appropriation under the Treasury Department.

Sincerely yours,

ERNEST C. BETTS, Jr.,  
*Deputy Assistant Secretary for Administration.*

SCHEDULE A-1.—Awards rendered by the Indian Claims Commission against the United States—Treasury Department, Fiscal Service, Bureau of Accounts

Docket No.	Claimant	Amount	Date of award	Presented to Treasury	Nature of claim
61	The Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.	\$4,431,622.18	Aug. 5, 1966	Aug. 8, 1966	Additional compensation for land.
276	The Greek Nation	1,037,414.62	Aug. 17, 1966	Aug. 22, 1966	Do.
79	The Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, the Iowa Tribe of the Iowa Reservation in Oklahoma, James Norris, Roy DeRoin, Murray Campbell, Solomon Kent, Elwood Small, and Jacob Dole, members of and representatives of the Iowa Tribe or Nation of Indians.	11,394.67	Feb. 28, 1966	Oct. 3, 1966	Do.
145	The Kickapoo Tribe of Kansas, the Kickapoo Tribe of Oklahoma.	11,511.53	Apr. 21, 1966	Sept. 30, 1966	Do.
	Total.....	5,491,943.00			



## JUDGMENTS

TREASURY DEPARTMENT,  
*Washington, D.C., October 6, 1966.*

HON. CHARLES L. SCHULTZE,  
*Director, Bureau of the Budget,*  
*Washington, D.C.*

DEAR MR. SCHULTZE: Judgments over \$100,000 which have been rendered by the United States Court of Claims and the United States district courts, have been presented to this Department for payment as follows:

U.S. Court of Claims:	
Payable from the general fund (schedule B)-----	\$2, 375, 000. 00
U.S. district courts:	
Payable from the general fund (schedule C)-----	3, 936, 851. 35
Total-----	6, 311, 851. 35

An appropriation of \$6,311,851.35 is hereby requested, together with such amounts as may be necessary to pay indefinite interest and costs. We understand that no judgment shall be paid until the right of appeal has expired.

Sincerely yours,

ERNEST C. BETTS, JR.,  
*Deputy Assistant Secretary for Administration.*

SCHEDULE B.—*Judgments over \$100,000 rendered by the Court of Claims against the United States—Treasury Department, Fiscal Service, Bureau of Accounts*

Docket No.	Claimant	Amount	Date of judgment	Presented to Treasury	Released by Justice	Nature of claim
	DEPARTMENT OF DEFENSE					
	DEPARTMENTS OF THE NAVY AND AIR FORCE					
433-57, 259-62, and 282-63	Regent Jack Manufacturing Co., Inc.-----	\$250,000.00	June 13, 1966	June 17, 1966	Stipulation of the parties.	Patent infringement.
	DEPARTMENT OF THE AIR FORCE					
132-61-----	S. S. Silberblatt, Inc.-----	125,000.00	Aug. 4, 1966	Aug. 8, 1966	-----do-----	Breach of contract.
	NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, AND DEPARTMENT OF DEFENSE (DEPARTMENTS OF THE ARMY, NAVY, AND AIR FORCE)					
150-60 and 286-64	Curtiss-Wright Corp.-----	2,000,000.00	Aug. 12, 1966	Aug. 17, 1966	-----do-----	Patent infringement.
	Total-----	2,375,000.00				

SCHEDULE C.—*Judgments over \$100,000 rendered by the United States district courts against the United States—Treasury Department, Fiscal Service, Bureau of Accounts*

22

Docket No. and court	Claimant	Amounts awarded in decree (interest as authorized)		Date of judgment	Received from Justice	Nature of claim
		Principal	Cost			
	DEPARTMENT OF COMMERCE MARITIME ADMINISTRATION					
Ad. No. 3885, District of Maryland.....	Black Diamond Steamship Corp.....	\$300,000.00	-----	Apr. 22, 1966	Apr. 27, 1966	Suits in Admiralty Act.
Ad. No. 27101, Northern District of California, Southern Division.	States Steamship Co.....	101,315.00	-----	May 10, 1966	May 19, 1966	Do.
Ad. No. 1737, District of Delaware.....	Pacific-Atlantic Steamship Co.....	256,874.52	-----	June 14, 1966	June 17, 1966	Do.
	DEPARTMENT OF DEFENSE DEPARTMENT OF THE ARMY					
C63-190, Northern District of Ohio, Western Division.	Paul Eblin.....	187,377.12	\$496.49	Nov. 29, 1965	May 4, 1966	Federal Tort Claims Act.
	DEPARTMENT OF THE NAVY					
Ad. No. 28889, in which were consolidated Ad. Nos. 28865, 28873, and 28988, Northern District of California, Southern Division.	McCutchen, Doyle, Brown, Trautman & Enersen, trustee for cargo interests (Nippon Fire & Marine Insurance Co. et al.).	375,868.84	-----	May 27, 1966	June 6, 1966	Suits in Admiralty and Public Vessels Acts.
	Kerr Steamship Co., Inc., as agents for Nippon Shosen Kaisha, K. K.	121,710.97	-----	do	do	Do.
	DEPARTMENT OF THE AIR FORCE					
469-58 PH and the following numbered cases: 923-58 PH, 970-58 PH, 1040-58 PH, 1041-58 PH, 1042-58 PH, 1086-58 PH, 112-58 PH, 1158-58 PH, 1195-58 PH, 30-59 PH, 64-59 PH, 76-59 PH, 288- 59 PH, 309-59 PH, 310-59 PH, 355-59 PH, 361- 59 PH, 281-60 PH, Southern District of Califor- nia, Central Division.	United Airlines, Inc.....	2,593,208.41	-----	May 5, 1966	June 2, 1966	Airplane collision.
	Total.....	3,936,354.86	496.49			

PROPOSED SUPPLEMENTAL APPROPRIATION



